

STATE MONUMENTS ACT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill creates the State Monuments Act.

Highlighted Provisions:

This bill:

- defines terms;
- requires the Division of State Parks and Recreation to:
 - periodically evaluate and report on state property for state monument status; and
 - create rules for the management of prospective state monuments;
- requires the Division of State Parks and Recreation to prepare a proposal in the event that the Division of State Parks and Recreation determines that a state monument designation is appropriate; and
- outlines the process for designating a state monument.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**ENACTS:**

79-4-1201, Utah Code Annotated 1953

79-4-1202, Utah Code Annotated 1953

79-4-1203, Utah Code Annotated 1953

79-4-1204, Utah Code Annotated 1953

79-4-1205, Utah Code Annotated 1953

79-4-1206, Utah Code Annotated 1953

79-4-1207, Utah Code Annotated 1953

79-4-1208, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **79-4-1201** is enacted to read:

Part 12. State Monuments Act

79-4-1201. Title.

This part is known as the "State Monuments Act."

Section 2. Section **79-4-1202** is enacted to read:

79-4-1202. Definitions.

As used in this section:

(1) "Committee" means the Natural Resources, Agriculture, and Environment Interim Committee or the House or Senate Natural Resources, Agriculture, and Environment Standing Committee.

(2) "State monument" means public land:

(a) owned by the state;

(b) designated by the state for preservation of a historic landmark, historic or prehistoric structure, geologic formation, cultural site, or archeological resource; and

(c) confined to the smallest area compatible with proper care and management of the historic landmark, historic or prehistoric structure, geologic formation, cultural site, or archeological resource to be protected.

Section 3. Section **79-4-1203** is enacted to read:

79-4-1203. Division duties.

(1) (a) The division shall periodically:

(i) evaluate state property for potential designation as a state monument; and

(ii) report the results of the evaluation described in subsection (1)(a)(i) to the committee.

(b) The division may:

(i) evaluate private and federal land with the potential to be purchased by, transferred to, or leased to, the state for potential designation as a state monument; and

(ii) enter into negotiations with the relevant federal agency or private entity to pursue the transfer, sale, or lease of federal land for the proposed state monument, as appropriations allow.

(2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah

Administrative Rulemaking Act, for the administration of a state monument, subject to valid existing rights and Section 79-4-1208.

Section 4. Section **79-4-1204** is enacted to read:

79-4-1204. County proposal.

A county may evaluate the land within the county's jurisdictional boundaries to determine if a parcel is appropriate for state monument designation.

Section 5. Section **79-4-1205** is enacted to read:

79-4-1205. Report.

(1) (a) If the division determines a state property is appropriate for state monument designation, the director shall submit a written proposal to the committee outlining the division's determination.

(b) The division shall submit the written proposal described in Subsection (1)(a) to the county commission or county council of any county that will contain some or all of the proposed monument within the county's geographic borders.

(c) Within 45 days of the day on which a county commission or county council receives a written proposal from the division, the county commission or county council shall:

(i) pass a resolution stating the county commission or county council's support or opposition to the proposed monument; and

(ii) submit the resolution to the committee.

(2) (a) Within 90 days of the day on which the committee receives a written proposal, and subject to Subsections (2)(b) and (4), the committee shall vote to either recommend the proposal to the Legislature or return the proposal to the division for further study and evaluation.

(b) If the county commission or county council opposes the proposal through resolution, as described in Subsection (1)(c), the committee may not take action.

(3) (a) If a county determines that a parcel within the county's jurisdictional boundaries is appropriate for state monument designation, as described in Section 79-4-1204, the county shall:

(i) pass a resolution in support of designation; and

(ii) submit the resolution in support of designation to the division and the committee.

(b) Within 45 days of the day on which the division receives a county resolution in

support of a state monument, the division shall prepare a report accepting or rejecting the county's proposal, including an analysis of the state's financial cost of maintaining the proposed state monument, and submit that report to the committee.

(c) Within 90 days of the day on which the committee receives the report described in Subsection (3)(b), and subject to Subsection (4), the committee shall vote to either recommend the proposal to the Legislature or reject the proposal.

(4) If a proposed state monument falls within the jurisdictional boundaries of a city or town, and the city or town passes a resolution in opposition to designation of the state monument, the committee may not take action.

(5) If a proposed state monument falls within state land managed by a state agency other than the division, the division shall consult with the managing state agency regarding the monument designation proposal.

Section 6. Section **79-4-1206** is enacted to read:

79-4-1206. Designation.

A state monument is created by the approval of the Legislature and the governor through concurrent resolution.

Section 7. Section **79-4-1207** is enacted to read:

79-4-1207. Management committee.

(1) Once a state monument is created, as described in Section 79-4-1206, the board shall appoint a management committee to assist the division in:

(a) making rules for the state monument; or

(b) the creation of any management plan or changes to a management plan governing the state monument.

(2) The management committee shall represent state and local interests as well as stakeholders.

(3) In appointing the management committee, the board shall include:

(a) one conservationist;

(b) one recreationist;

(c) one cultural representative, if relevant to the particular state monument;

(d) one energy and mining representative, if relevant to the particular state monument;

(e) one small business owner, if relevant to the particular state monument;

126 (f) one farming or ranching representative, if relevant to the particular state monument;

127 (g) one county elected official; and

128 (h) one legislator whose district, in full or in part, covers the monument.

129 (4) The board shall consider geographic diversity in appointing the members described
130 in Subsection (3), and include at least one resident from each county covered by the monument,
131 with no county having majority representation if the state monument covers two or more
132 counties.

133 (5) (a) Compensation and expenses of a member of the management committee who is
134 a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative
135 Compensation and Expenses.

136 (b) Other management committee members shall receive no compensation or expenses
137 for the members' service on the committee.

138 (6) The division shall provide staff support to the committee, except as provided in
139 Section 79-4-1208.

140 Section 8. Section **79-4-1208** is enacted to read:

141 **79-4-1208. Management.**

142 (1) Subject to Subsection (2), the division shall be responsible for the management of a
143 state monument.

144 (2) Upon Title 63L, Chapter 8, Utah Public Land Management Act, becoming effective
145 as described in Section 63L-8-602, the government entity responsible for management of the
146 public lands shall:

147 (a) be responsible for the management of a state monument; and

148 (b) provide staff support to a management committee created in Section 79-4-1207.